

## **DISCLAIMER**

*This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).*

## **APPLICATION OF**

**APPALACHIAN POWER COMPANY**

**CASE NO. PUE970766**

**For certificates of public convenience and necessity authorizing transmission lines in the Counties of Bland, Botetourt, Craig, Giles, Montgomery, Roanoke and Tazewell: Wyoming-Cloverdale 765 kV Transmission Line and Cloverdale 500 kV Bus Extension**

## **HEARING EXAMINER'S RULING**

**October 29, 1999**

On September 29, 1999, the Board of Supervisors of Bland County, the Board of Supervisors of Wythe County, Alliance for the Preservation and Protection of Appalachian Land, Inc. and Citizens United to Protect Tazewell County, Inc. (collectively "Protestants"), by counsel, filed a Motion to Suspend Procedural Schedule and to Establish a New Procedural Schedule ("Motion"). Specifically, Protestants request a new procedural schedule to allow the filing of testimony by the Protestants no earlier than June 16, 2000. In support of their Motion, Protestants state they desire to present evidence concerning hibernating populations of rare, threatened, and endangered bat species and to retain a consultant to perform a technical and economic review and analysis of Appalachian Power Company's ("AEP" or "the Company") application. Finally, Protestants state they have negotiated a contract with Radford University to provide an ethnographic study of cultural attachment to land in several communities in Bland and Wythe Counties.

By Hearing Examiner's Ruling of October 5, 1999, the procedural schedule was suspended and oral argument on the Protestants' Motion was set for October 14, 1999. The parties were directed to file any further motions forthwith in order that responses could be considered on October 14.

On October 13, 1999, AEP filed its response to Protestants' Motion, in which it stated its opposition to a delay in these proceedings.

On October 13, 1999, the Greater Newport Rural Historic District Committee, Citizens Organized to Protect the Environment of Giles County ("COPE") and Giles County, by counsel, filed a request for an order establishing a new procedural schedule. In support of its request, counsel states that COPE and Giles County were previously represented by William Bilenky, who is no longer in the private practice of law. Matt Pethybridge, now representing COPE and Giles County, requests additional time in which to prepare for hearing. On October 26, 1999, COPE and Giles County moved the

Commission for entry of an order substituting Matt Pethybridge for William Bilenky as counsel in this proceeding.

Oral argument on Protestants' Motion was heard on October 14, 1999. Counsel were advised that several informal requests had been made to move the hearing to a location in Southwest Virginia. Ken Lion, counsel for Protestants, advised that he had been directed to file a motion to that effect but has not yet done so. Mr. Lion was directed to include in the motion the recommendation of a local facility adequate to accommodate the hearing. To date, no motion for a change of venue has been filed.

The Commission, however, in order to facilitate the public access to a Richmond hearing, is arranging for the audio portion of the November 29, 1999 hearing and of the evidentiary hearing commencing May 1, 2000, to be webcast over the Internet. The webcast feature will be available on the SCC's web site at [www.state.va.us/scc](http://www.state.va.us/scc).

Audio of the hearing would be available to anyone who has an Internet connection, either dial-up or private line. The only additional software that would be needed, other than a web browser (Netscape or Internet Explorer), is a Microsoft product called Windows Media Player, which is available at no cost from the Microsoft web site. The Commission would provide the necessary instructions, including a link to the page on the Microsoft web site where the Windows Media Player can be downloaded.

This audio would be archived for 24 hours so that anyone who missed the live broadcast can listen to it later. This service would be available to 500 concurrent Internet users.

Details of this service can be obtained from Ken Schrad, Director, Information Resources, State Corporation Commission, Richmond, Virginia, at (804) 371-9141. Accordingly,

**IT IS DIRECTED THAT:**

1. The Motion to substitute counsel, filed by COPE and Giles County is granted;
2. Protestants' Motion is granted in part as set forth below;
3. On or before March 15, 2000, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of its protest and an original and fifteen (15) copies of the testimony and exhibits that it intends to offer in support of its protest and shall serve one (1) copy of the testimony and exhibits on counsel to the Company and on all other parties of record;
4. On or before April 5, 2000, the Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any testimony and exhibits that it intends to offer and shall serve one (1) copy on all parties;

5. On or before April 19, 2000, the Company may file with the Clerk of the Commission an original and fifteen (15) copies of any rebuttal testimony and exhibits that it intends to offer in response to direct testimony and exhibits previously filed and shall serve one (1) copy on all parties;

6. The hearing scheduled for 10:00 a.m. on November 29, 1999, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond Virginia, will be retained to receive additional statements from public witnesses who have not previously testified; and

7. The evidentiary hearing will commence at 10:00 a.m. on May 1, 2000.

---

Howard P. Anderson, Jr.  
Hearing Examiner